

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA**

In re:

Notice of Opportunity to Object to Motions

**General Order 99-1**

The Court receives numerous motions on a regular basis, most of which are uncontested, routine in nature, deal with administrative matters and do not necessitate a hearing.

THEREFORE, in the interest of the prompt, efficient and economical administration of bankruptcy cases, the Court ORDERS that, effective October 12, 1999, the following procedures shall govern notice of and the opportunity to object to certain motions, including the use of Local Bankruptcy Form 3a (LBF-3a) and Local Bankruptcy Form 3b (LBF-3b). To give the Bar an opportunity to bring their practices into line with the procedure established by this order, the use of forms LBF-3a, LBF-3b or another form substantially similar thereto will not be mandatory until November 1, 1999.

**Notice of Opportunity to Object to Motions**

(a) Except as otherwise ordered, the court will consider the following matters without holding a hearing, unless a party in interest files a timely objection to the relief requested:

(1) Motions to approve agreements relating to relief from the automatic stay; providing adequate protection; or prohibiting or conditioning the use, sale or lease of property.

- (2) Motions to approve agreements relating to the use of cash collateral.
- (3) Motions for authority to obtain credit.
- (4) In cases pending under Chapter 7, motions for relief from the automatic stay.
- (5) Motions to avoid liens on exempt property.
- (6) Motions to redeem personal property from liens.
- (7) Applications for administrative expenses, including compensation for services rendered and reimbursement of expenses.
- (8) Motions to extend the time for filing claims.
- (9) Motions to extend the exclusivity periods for filing a Chapter 11 plan.
- (10) Motions to extend the time to assume or reject executory contracts and unexpired leases.
- (11) Motions to assume or reject executory contracts and unexpired leases.
- (12) Motions to approve a modification to a confirmed Chapter 11, Chapter 12 or Chapter 13 plan.
- (13) Motions to approve a compromise or settlement.
- (14) Motions to transfer a case to another district or to another division in this district.
- (15) Motions to sell property free and clear of liens.
- (16) Motions to abandon property.
- (17) Motions for relief from the co-debtor stay of 11 U.S.C. § 1201 or § 1301.
- (18) Motions for the joint administration of cases.
- (19) Motions for the substantive consolidation of cases.

- (20) Motions to compel the debtor to turnover or deliver property to a trustee.
  - (21) In cases under Chapter 12 and 13, motions for a discharge prior to the completion of payments under a confirmed plan (motions for hardship discharge).
- (b) Except as otherwise ordered by the court, creditors and parties in interest shall be given:
- (1) no less than fifteen (15) days notice of the opportunity to file objections to:
    - (A) motions to approve agreements relating to relief from the automatic stay, providing adequate protection, prohibiting or conditioning the use, sale or lease of property;
    - (B) motions relating to the use of cash collateral;
    - (C) motions for authority to obtain credit;
    - (D) motions for relief from the automatic stay in cases pending under Chapter 7; and
    - (E) motions relating to abandonment of property from the estate.
  - (2) no less than twenty (20) days notice of the opportunity to file objections to the motions subject to this rule.

In all cases, the time within which objections may be filed shall be measured from the date notice of the opportunity to object is mailed.

- (c) Local Bankruptcy Form 3a (LBF-3a), Local Bankruptcy Form 3b (LBF-3b) or another form of notice substantially similar thereto shall be used to give creditors and parties in interest notice of the motion and the opportunity to object thereto. This

notice shall (1) identify the party seeking relief, (2) state the name of the motion and the date upon which it was filed, (3) state the relief sought, (4) contain a brief summary of the ground for the motion or have a copy of the motion attached to it, (5) state the date by which objections to the motion are to be filed, where objections should be filed and upon whom copies should be served, (6) contain a statement to the effect that if no objections are filed by the date due the court may grant the relief requested without holding a hearing, (7) be dated as of the date it is served, and (8) be signed by counsel for the movant or the movant, if pro se, and contain the name, address and telephone number of the individual signing the notice.

- (d) The moving party shall be responsible for properly completing the appropriate version of LBF-3 so that it contains the required information, serving it upon the entities required by the United States Bankruptcy Code, the applicable rules of bankruptcy procedure, the local rules of this court, and/or any order of the court, and making due proof thereof. The failure to do so within five (5) days of the date the motion was filed will be deemed to be a waiver of any time limits associated with ruling on the motion, including the time limits set forth in 11 U.S.C. § 362(e).
- (e) The appropriate version of LBF-3 may also be adapted for use in those instances, not specifically covered by this rule, where the court directs that particular relief may be granted without a hearing following the expiration of notice to creditors. In those situations, in addition to complying with the other requirements of this rule, the notice shall be accompanied by a copy of the court's order authorizing notice to creditors and establishing the deadline for filing objections.

Local Bankruptcy Form, LBF-3a, and Local Bankruptcy Form, LBF-3b, attached hereto are incorporated as part of this General Order.

Dated: September 30, 1999.

/s/

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Kent Lindquist, Chief Judge  
United States Bankruptcy Court

/s/

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Harry C. Dees, Jr., Judge  
United States Bankruptcy Court

/s/

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Robert E. Grant, Judge  
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
[ *division* ]

IN THE MATTER OF:

[ <i>name of debtor</i> ]	)	CASE NO. [ <i>case number</i> ]
	)	CHAPTER [ <i>chapter number</i> ]
DEBTOR(S)	)	

**NOTICE OF MOTION AND OPPORTUNITY TO OBJECT**

On [ *date* ], [ *name of moving party* ], filed [ *name of motion* ], asking the court to [ *relief sought in motion* ]. In support of the relief requested, the motion states [ *briefly summarize the motion* ]. If you have not received a copy of the motion, you may get one by contacting the person who signed this notice or at the clerk's office.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.**

If you do not want the court to grant the motion, then **on or before [ *date* ]** you or your attorney must:

1. File a written objection to the motion, which should explain the reasons why you object, with the Clerk of the United States Bankruptcy Court at:

[ *address of the clerk's office for the division where the case is pending* ]

If you mail your objection, you must mail it early enough so that it will be **received** by the date it is due.

2. You must also mail a copy of your objection to:

[ *name and address of movant's attorney or the movant, if pro se* ]

[ *name and address of any case trustee and the trustee's attorney, if any* ]

[ *in cases under Chapter 11, 12, or 13, name and address of debtor's attorney or the debtor, if pro se* ]

[ *names and addresses of any others to be served* ]

If you do not file an objection by the date it is due, the court may grant the relief requested without holding a hearing. If you do file an objection, the court will set the motion for hearing, which you or your attorney will be expected to attend.

Date: [ *date notice is mailed* ]

\_\_\_\_\_ [ *signed* ]

Name:

Title:

Address:

Telephone:

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
[ *division* ]

IN THE MATTER OF:

[ <i>name of debtor</i> ]	)	CASE NO. [ <i>case number</i> ]
	)	CHAPTER [ <i>chapter number</i> ]
DEBTOR(S)	)	

**NOTICE OF MOTION AND OPPORTUNITY TO OBJECT**

On [ *date* ], [ *name of moving party* ], filed [ *name of motion* ], asking the court to [ *relief sought in motion* ]. A copy of the motion is attached to this notice.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.**

If you do not want the court to grant the motion, then **on or before** [ *date* ] you or your attorney must:

1. File a written objection to the motion, which should explain the reasons why you object, with the Clerk of the United States Bankruptcy Court at:

[ *address of the clerk's office for the division where the case is pending* ]

If you mail your objection, you must mail it early enough so that it will be **received** by the date it is due.

2. You must also mail a copy of your objection to:

[ *name and address of movant's attorney or the movant, if pro se* ]

[ *name and address of any case trustee and the trustee's attorney, if any* ]

[ *in cases under Chapter 11, 12, or 13, name and address of debtor's attorney or the debtor, if pro se* ]

[ *names and addresses of any others to be served* ]

If you do not file an objection by the date it is due, the court may grant the relief requested without holding a hearing. If you do file an objection, the court will set the motion for hearing, which you or your attorney will be expected to attend.

Date: [ *date notice is mailed* ]

\_\_\_\_\_ [ *signed* ]

Name:

Title:

Address:

Telephone: